

### **REMARKS**

This amendment is in response to the non-final Office Action, Paper No. 20051209, dated on the 1<sup>st</sup> of February 2006. Reexamination and reconsideration are respectfully requested. Applicant cancels claim 6 without disclaiming its subject matter, amends claim 18 for the purpose of clarity, and add claim 24. No new matter has been introduced in the new claim. By this amendment, claims 1-5, 11-14, and 16-24 will be pending.

#### **Status of Claims**

Claims 1, 3, 4, 6, 11, 12, 14, 16, 18, 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583, 761 issued on December 10, 1996) in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou '761, in view of Flanagan *et al.* '685, and further in view of Tanimoto *et al.* (U.S. 4,393,462 issued on July 12, 1983).

Claims 2, 13, 17, 19, 22 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou '761, in view of Flanagan *et al.* '685, and further in view of Uribe-Echebarria Diaz De Mendibil (U.S. 5,426,583).

#### **Rejection of Claim 1 under 35 U.S.C. §103 (a)**

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.*

(U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection for the following reason.

In support of the rejection, the Examiner wrote that:

“Chou teaches . . . Installing the application program and the language translation program into a computer when a first and second media are executed in the computer, determining the kind of language of the operating system and the kind of the application program, and making a determination of whether the two languages are the same kind is inherently disclosed within the process of translation, . . . Flanagan et al. in the same field of endeavor teach calling an application program interface function to retrieve language identifier and information of a first language of the operating system and determine the kind of a second language (inherently disclosed within the process of translating a message from its original version to other languages with no human intervention, col. 4, line 49- col. 5, line 25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate Flanagan et al.'s application program interface function into the system of Chou, because Flanagan et al. teach that this would minimize the user's interction with the system (col. 2, lines 45-46) and save time.”

Applicant submits that the Examiner's reasoning is in error, and there is no suggestion to modify the reference or to combine reference teachings. The combined references do not teach the step of “calling an *application program interface function* to retrieve information of said first language of said operating system,” and the step of “determining the kind of said *first language of said operating system from said information* retrieved by said application program interface function” set forth in Applicant claim 1.

The Examiner specifically asserts that Flanagan *et al.* '685 teaches “calling an application

program interface function to retrieve language identifier and information of a first language of the operating system and determine the kind of a second language (inherently disclosed within the process of translating a message from its original version to other languages with no human intervention, col. 4, line 49- col. 5, line 25).”<sup>1</sup> Applicant carefully studied the teaching of Flanagan *et al.* ‘685, and found that the step of calling an application program interface function is *not necessary*, and determining a first language of an operating system is *not necessary* in Flanagan *et al.* ‘685.

First of all, it should be noted that Flanagan *et al.* ‘685 teaches that “[a]ll translation is performed at the *network* site so no other actions on the part of the user are required to take advantage of the present invention.”<sup>2</sup> Flanagan *et al.* ‘685 also teaches that “[u]sers 20, 22, 24, 26 can access the bulletin board system 28 through a personal computer 30 and a modem. The users’ personal computers are ordinarily connected to the bulletin board by telephone lines 32.”<sup>3</sup> According to Flanagan *et al.* ‘685, translation is performed at the bulletin board system 28, which is not in a user computer, but on a network site.

As shown in FIG. 3, Flanagan *et al.* ‘685 teaches that a language of a discussion group (user language) is translated to another language of another discussion group (target language). But, it should be noted that Flanagan *et al.* ‘685 does not disclose whether either the user language or the target language is a first language of an operating system. FIG. 8 of Flanagan *et al.* ‘685 shows a

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<sup>1</sup> Present Office Action (paper No. 20051209), paragraph 6 in page 3.

<sup>2</sup> Flanagan *et al.* ‘685, col. 4, lines 23-25.

<sup>3</sup> Flanagan *et al.* ‘685, col. 3, lines 64-67 and FIG. 1.

message written in English and French, but nowhere does Flanagan *et al.* '685 disclose which language is a language of the operating system. In fact, identifying the language of the operating system is not necessary to utilize the invention disclosed in Flanagan *et al.* '685, because translation is performed at the network site. Nowhere does Flanagan *et al.* '685 teaches that the user language or the target language is a language of an operating system. Therefore, the step of "calling an application program interface function *to retrieve information of said first language of said operating system*" set forth in Applicant's claim 1 is not disclosed in Flanagan *et al.* '685.

Regarding how the user and target languages are identified, Flanagan *et al.* '685 further teaches that "[u]pon logging onto a discussion group, **the user may choose** his or her language preference,"<sup>4</sup> and that "[u]sers simply specify a language preference that is communicated to the network in order to take advantage of the present invention."<sup>5</sup> Therefore, according to Flanagan *et al.* '685, a user chooses a user language to communicate to the network. Regarding the target language, Flanagan *et al.* '685 teaches "[t]he number of parallel discussion groups for a particular system varies with the number of languages it is **designed to accommodate**. For example, a parallel system designed to accommodate ten different languages will have ten parallel discussion groups; one for each language."<sup>6</sup>

Therefore, according to Flanagan *et al.* '685, the user language is selected by the user, and

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<sup>4</sup> Flanagan *et al.* '685, col. 4, lines 21-23.

<sup>5</sup> Flanagan *et al.* '685, col. 2, lines 46-48.

<sup>6</sup> Flanagan *et al.* '685, col. 4, lines 14-19.

the target languages are preset in the system, which indicate that the system of Flanagan *et al.* '685 does not require any step for calling a function to retrieve information of a language. Therefore, Flanagan *et al.* '685 does not teach the step of "***calling an application program interface function*** to retrieve information of said first language of said operating system" set forth in Applicant's claim 1.

Based on the argument presented above, Applicant submits that the step of "determining the kind of said first language of said operating system ***from said information retrieved by said application program interface function***" as set forth in Applicant's claim 1 is not taught in the cited references, because application program interface function is not disclosed in Flanagan *et al.* '685, and no information is retrieved by the application program interface function in Flanagan *et al.* '685.

The Examiner asserts "calling an application program interface function . . . (inherently disclosed within the process of translating a message from its original version to other languages with no human intervention, col. 4, line 49- col. 5, line 25)."<sup>7</sup> Applicant submits that the Examiner failed to provide evidence supporting the Examiner's assertion. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing

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<sup>7</sup> Present Office Action (paper No. 20051209), paragraph 6 in page 3.

may result from a given set of circumstances is not sufficient.” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).<sup>8</sup>

As discussed above, the user language is chosen by the user and target languages are already preset in the system, and furthermore there is no necessity to identify a language of an operating system during the process of translation. Flanagan *et al.* ‘685 simply teaches that the process of translating includes looking up electronic dictionaries by stating that “[t]he MT software analyzes and tags the sentences of the message text using linguistic algorithms. The words in the sentences are then looked up in electronic dictionaries to identify their translations.”<sup>9</sup> Applicant would like to ask why the step of “calling an application program interface function” should be inherently disclosed in Flanagan *et al.* ‘685, even though the step of “calling an application program interface function” is not necessary in the process of translating disclosed in Flanagan *et al.* ‘685. Again, Applicant submits that the Examiner’s assertion is not supported by factual evidence.

Therefore, there is no suggestion to modify the reference or to combine reference teachings, and the combined references do not teach or suggested all the claim limitations. Withdrawal of the rejection is respectfully requested.

**Rejection of Claims 11, 16, and 18 under 35 U.S.C. §103 (a)**

Claims 11, 16, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over

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<sup>8</sup> MPEP §2112.

<sup>9</sup> Flanagan *et al.* ‘685, col. 5, lines 10-13.

Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection with the same rationale discussed regarding claim 1. Withdrawal of the rejection is respectfully requested.

Claim 18 is amended for the purpose of clarity. Entry of the amended claim 18 is respectfully requested.

**Rejection of Claim 23 under 35 U.S.C. §103(a)**

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou '761, in view of Flanagan *et al.* '685, and further in view of Uribe-Echebarria Diaz De Mendibil (U.S. 5,426,583). Applicant traverses the Examiner's rejection with the same rationale discussed regarding claim 1. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 3 under 35 U.S.C. §103 (a)**

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection for the following reason.

In support of the rejection, the Examiner wrote that:

"Flanagan *et al.*, in the same field of endeavor teach an application

program uses only one language for displaying its user interface (Fig. 9).”

FIG. 9 of Flanagan *et al.* ‘685 is an example of a screen display of a program, WinCIM - MacCIM Forum as shown in FIG. 5 of Flanagan *et al.* ‘685. Therefore, Applicant will interpret that the Examiner noted the program, WinCIM - MacCIM Forum as shown in FIG. 5 of Flanagan *et al.* ‘685, as “an application program” of Applicant’s claim 3. If the Examiner disagrees on Applicant’s interpretation, the Examiner is respectfully requested to specifically point out which program in Flanagan *et al.* ‘685 the Examiner interprets as “an application program” of claim 3.

Applicant submits that the Examiner’s assertion is in error. Contrary to the Examiner’s assertion, Flanagan *et al.* ‘685 teaches the program, WinCIM - MacCIM Forum, uses multiple languages. FIG. 8 of Flanagan *et al.* ‘685, which is an example of a screen display of the program, shows a message written in both of English and French, which indicates that the program, WinCIM - MacCIM Forum, uses multiple languages. Flanagan *et al.* ‘685 teaches “the message includes both the translation and the text as it was originally written in French.”<sup>10</sup>

Therefore, Flanagan *et al.* ‘685 does not teach “said application program does not use any language other than said second language” as set forth in claim 3, and therefore there is no suggestion to modify or to combine teachings of Chou ‘761 and Flanagan *et al.* ‘685. Withdrawal of the rejection is respectfully requested.

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<sup>10</sup> Flanagan *et al.* ‘685, col. 6, lines 25-27.



**Rejection of Claims 4 and 12 under 35 U.S.C. §103 (a)**

Claims 4 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection with the same rationale discussed regarding claim 3. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 14 under 35 U.S.C. §103 (a)**

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection with the same rationale discussed regarding claim 1, because the teachings of combined references do not teach a first language of the operating system. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 20 under 35 U.S.C. §103 (a)**

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner's proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner's rejection for the following reason.

In support of the rejection, the Examiner wrote that:

“Chou teaches language storage (Fig. 1, element 28).”

Claim 20 reads “said *operating system* having a language storage part.” Master dictionary 28 shown in FIG. 1 of Chou ‘761 is an element included in the Learn Process. Chou ‘761, however, does not disclose that the operating system has the master dictionary 28. Thoroughly reading Chou ‘761, Applicant is not able to find where Chou ‘761 teaches an operating system has the master dictionary. Therefore, there is no suggestion to modify the reference or to combine reference teachings. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 21 under 35 U.S.C. §103 (a)**

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner’s proposed combination of Chou (U.S. 5,583,761 issued on December 10, 1996), and in view of Flanagan *et al.* (U.S. 5,966,685 issued on October 12, 1999). Applicant traverses the Examiner’s rejection for the following reason.

In support of the rejection, the Examiner wrote that:

“Chou teaches wherein determining the kind of first language of the operating system retrieving a language identifier from the operating system (inherently suggested within the method of determining the kind of language of the operating system. Without language identifier, it is not possible to determine any kind of language).”

Claim 21 reads “the step of determining the kind of said first language of said operating system *comprises* the step of retrieving a language identifier from said operating system.” As Applicant argues regarding claim 1, the step of “determining the kind of said first language of said operating system” of Applicant’s claim 1 is not necessary in Chou ‘761 and Flanagan *et al.* ‘685. Therefore “the step of retrieving a language identifier from said operating system” as set forth in Applicant’s claim 21 is not disclosed in the combined teaching of Chou ‘761 and Flanagan *et al.* ‘685. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 5 under 35 U.S.C. §103(a)**

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Examiner’s proposed combination of Chou ‘761, in view of Flanagan *et al.* ‘685, and further in view of Tanimoto *et al.* (U.S. 4,393,462 issued on July 12, 1983). Applicant traverses the Examiner’s rejection for the following reason.

In support of the rejection, the Examiner wrote:

“Tanimoto *et al.* in the same field of endeavor do teach a first storage medium and a second storage medium separately (Fig. 2, elements 11 & 12, col. 3, lines 16- 49).”

The elements 11 and 12 of Tanimoto *et al.* ‘462 are shown in FIG. 1, and described as body 11 and alphabetical keyboard 12. Referring to FIG. 2 and col. 3, lines 16-49, which the Examiner refers to, Applicant will interpret that the Examiner notes element 311 and 312 shown in FIG. 3 of Tanimoto *et al.* ‘462 as storage media. If the Examiner does not agree on Applicant’s interpretation, the Examiner is respectfully requested, under 37 C.F.R. § 1.104(c)(2), to point out which elements

the Examiner interprets as storage media.

Applicant submits that two memories 311 and 312 shown in FIG. 2 of Tanimoto *et al.* '462 can not be interpreted as that Tanimoto *et al.* '462 teaches "providing said first storage medium and said second storage medium separately" as set forth in Applicant's claim 5. The Examiner interprets the teaching of Tanimoto *et al.* '462 in hindsight from Applicant disclosure.

First, the memories disclosed in Tanimoto *et al.* '462 do not store programs, but store data. Applicant's claim 1, from which claim 5 depends, reads "providing a first storage medium storing an application program . . . providing a second storage medium storing a language translation program." Tanimoto *et al.* '462, however, teaches that memory 311 contains "a single input word" and "head address data specifying each of the head address of the memory 312,"<sup>11</sup> and memory 312 contains "a plurality of kinds of voice information."<sup>12</sup> A computer program imparts functionality when installed and executed in a computer, while data has no functionality. The fact that data is separately provided doesn't render that programs can be separately provided, because programs have specific functionality and the functionality of each program should be considered.

Second, Tanimoto *et al.* '462, in fact, shows four memories: input word memory 311, input word synthesizer memory 312, input sentence memory 313, and input sentence synthesizer memory 314,<sup>13</sup> and data contained in the four memories are linked each other. Memory 311 of Tanimoto *et al.* '462 contains a single input word and head address data specifying each of the head address of

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<sup>11</sup> Tanimoto *et al.* '462, col. 3, lines 19-22.

<sup>12</sup> Tanimoto *et al.* '462, col. 3, lines 39-40.

<sup>13</sup> Tanimoto *et al.* '462, col. 2, lines 54-56.

memory 312.<sup>14</sup> Memory 313 of Tanimoto *et al.* '462 contains one of a plurality of sentences formed by some input words, and head address data specifying each of the plurality of kinds of voice information contained in memory 314.<sup>15</sup> If one of the four memories disclosed in Tanimoto *et al.* '462 is absent, the system of Tanimoto *et al.* '462 would not properly work. Therefore, if the Examiner's reasoning is correct, the combined teaching would suggest that "an application program" and "a language translation program" should be linked to each other. The link between memories disclosed in Tanimoto *et al.* '462, however, is not found in Applicant's claim 5.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicant submits that there is no desirability to combine the teachings of the cited references. Withdrawal of the rejection is respectfully requested.

**Rejection of Claims 2, 13, 17, 19, and 22 under 35 U.S.C. §103(a)**

Claim 2 depends from claim 1, claims 13 and 22 depend from claim 11, claim 17 depends from claim 16, and claim 19 depends from claim 18. Applicant traverses the rejection of claims 1, 11, 16, and 18, and believes that claims 1, 11, 16, and 18 are patentable over cited references. Withdrawal of the rejection is respectfully requested.

**Regarding claim 24**

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<sup>14</sup> Tanimoto *et al.* '462, col. 3, lines 19-22.

<sup>15</sup> Tanimoto *et al.* '462, col. 3, lines 57-62.

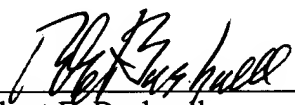
Claim 24 is newly added including the feature of original claim 6. Supporting the rejection of original claim 6, the Examiner asserts that "Chou teaches a translation program (Fig. 2, element 38)."<sup>16</sup> Applicant, however, submits that Chou '761 does not teach that "said *operating system* containing said language translation program unit" as set forth in claim 24. Entrance and allowance of claim 24 is respectfully requested.

### Conclusion

In view of the above debate, this amended application is deemed to be in condition for allowance. No other issues remaining, reconsideration and favorable action upon all of the claims present in the application is respectfully requested.

No fee is incurred by this Amendment.

Respectfully submitted,

  
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<sup>16</sup> Present Office Action (paper No. 20051209), paragraph 7 in page 4.